



**DEPARTMENT OF HOMELAND SECURITY  
U.S. Customs and Border Protection**

**DEPARTMENT OF THE TREASURY**

**19 CFR Part 12**

**CBP Dec. 21-18**

**RIN 1515-AE69**

**Extension of Import Restrictions Imposed on Certain Archaeological and Ethnological  
Material of Bolivia**

**AGENCIES:** U.S. Customs and Border Protection, Department of Homeland Security;  
Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends the U.S. Customs and Border Protection (CBP) regulations to reflect an extension of import restrictions on certain archaeological and ethnological material of the Plurinational State of Bolivia (Bolivia). The restrictions, which were originally imposed by Treasury Decision (T.D.) 01-86 and last extended by CBP Decision (CBP Dec.) 16-24, are due to expire on December 4, 2021. The Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State, has determined that factors continue to warrant the imposition of import restrictions and no cause for suspension exists. Pursuant to the exchange of diplomatic notes to extend the agreement, the import restrictions will remain in effect for an additional five years, and the CBP regulations are being amended to reflect this further extension until December 4, 2026. T.D. 01-86 contains the Designated List of archaeological and ethnological material from Bolivia to which the restrictions apply.

**DATES:** Effective December 4, 2021.

**FOR FURTHER INFORMATION CONTACT:** For legal aspects, W. Richmond Beevers, Branch Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325–0084, [ot-otrrculturalproperty@cbp.dhs.gov](mailto:ot-otrrculturalproperty@cbp.dhs.gov). For operational aspects, Julie L. Stoeber, Chief, 1USG Branch, Trade Policy and Programs, Office of Trade, (202) 945-7064, [1USGBranch@cbp.dhs.gov](mailto:1USGBranch@cbp.dhs.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

Pursuant to the Convention on Cultural Property Implementation Act, Pub. L. No. 97-446, 19 U.S.C. 2601 *et seq.*, which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)), the United States entered into a bilateral agreement with the Plurinational State of Bolivia (Bolivia)<sup>1</sup> on December 4, 2001, concerning the imposition of import restrictions on certain archaeological and ethnological material of Bolivia. On December 7, 2001, the U.S. Customs Service (U.S. Customs and Border Protection’s predecessor agency) published Treasury Decision (T.D.) 01-86 in the *Federal Register* (66 FR 63490), which amended section 12.104g(a) of title 19 of the Code of Federal Regulations (19 CFR 12.104g(a)) to reflect the imposition of these restrictions and included a list designating the types of articles covered by the restrictions.

Import restrictions listed at 19 CFR 12.104g(a) are effective for no more than five years beginning on the date on which the agreement enters into force with respect to the United States. This period may be extended for additional periods of not more than five years if it is determined that the factors which justified the initial agreement still pertain and no cause for suspension of the agreement exists.

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<sup>1</sup> In 2009, the new constitution of Bolivia changed the country’s official name from the “Republic of Bolivia” to the “Plurinational State of Bolivia.”

Since the initial final rule was published on December 7, 2001, the import restrictions were subsequently extended three (3) times. First, on December 1, 2006, following the exchange of diplomatic notes, U.S. Customs and Border Protection (CBP) published a final rule (CBP Dec. 06-26) in the *Federal Register* (71 FR 69477) to extend the import restrictions for a period of five years to December 4, 2011. Second, on December 1, 2011, following the exchange of diplomatic notes, CBP published a final rule (CBP Dec. 11-24) in the *Federal Register* (76 FR 74690) to extend the import restrictions for an additional five-year period to December 4, 2016. Third, on December 6, 2016, following the exchange of diplomatic notes, CBP published a final rule (CBP Dec. 16-24) in the *Federal Register* (81 FR 87804) to extend the import restrictions for an additional five-year period to December 4, 2021.

On September 14, 2020, the United States Department of State proposed in the *Federal Register* (85 FR 56681) to extend the Memorandum of Understanding (MOU) between the United States and Bolivia concerning the imposition of import restrictions on certain categories of archaeological and ethnological material from Bolivia. On April 20, 2021, the Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State, after consultation with and recommendations by the Cultural Property Advisory Committee, determined that the cultural heritage of Bolivia continues to be in jeopardy from pillage of certain archaeological and ethnological material, and that the import restrictions should be extended for an additional five years. Pursuant to the exchange of diplomatic notes to extend the agreement, the import restrictions will remain in effect for an additional five years, and the CBP regulations are being amended to reflect this further extension until December 4, 2026.

Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of the import restrictions. The restrictions on the importation of archaeological and ethnological material are to continue in effect until December 4, 2026. Importation of such material from Bolivia

continues to be restricted through that date unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

The Designated List and additional information may also be found at the following website address: <https://eca.state.gov/cultural-heritage-center/cultural-property-advisory-committee/current-import-restrictions> by selecting the material for “Bolivia.”

### **Inapplicability of Notice and Delayed Effective Date**

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure under 5 U.S.C. 553(a)(1). For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

### **Regulatory Flexibility Act**

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

### **Executive Order 12866**

CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Order 12866 because it pertains to a foreign affairs function of the United States, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866.

### **Signing Authority**

This regulation is being issued in accordance with 19 CFR 0.1(a)(1), pertaining to the Secretary of the Treasury’s authority (or that of his/her delegate) to approve regulations related to customs revenue functions.

Troy A. Miller, the Acting Commissioner, having reviewed and approved this document, is delegating the authority to electronically sign this document to Robert F. Altneu, who is the Director of the Regulations and Disclosure Law Division for CBP, for purposes of publication in the *Federal Register*.

### **List of Subjects in 19 CFR Part 12**

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise, Reporting and recordkeeping requirements.

### **Amendment to CBP Regulations**

For the reasons set forth above, part 12 of title 19 of the Code of Federal Regulations (19 CFR part 12) is amended as set forth below:

### **PART 12 – SPECIAL CLASSES OF MERCHANDISE**

1. The general authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

**AUTHORITY:** 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

\* \* \* \* \*

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

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2. In § 12.104g, amend the table in paragraph (a) by revising the entry for Bolivia to read as follows:

**§ 12.104g Specific items or categories designated by agreements or emergency actions.**

(a) \*\*\*

State party	Cultural Property	Decision No.
*****		
Bolivia	Archaeological and Ethnological Material from Bolivia	T.D. 01-86 extended by CBP Dec. 21-18
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Robert F. Altneu, Director  
Regulations & Disclosure Law Division,  
Regulations & Rulings, Office of Trade  
U.S. Customs and Border Protection.

Approved: November 30, 2021

Timothy E. Skud,  
Deputy Assistant Secretary of the Treasury.